

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RICKY RAYMOND, et al,

Plaintiffs

v.

UNIVERSITY OF HOUSTON,
Defendant

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CIVIL ACTION NO. H-05-4149

AMENDED MOTION OF LARRY WATTS TO WITHDRAW AS
ATTORNEY FOR PLAINTIFFS RICKY RAYMOND, VIRGINIA LARA,
AND
DONALD EUBANKS

NOW COMES Larry Watts (“Movant”), and makes this his Amended Motion to Withdraw As Attorney for Plaintiffs Ricky Raymond (“Raymond”), Virginia Lara (“Lara”) and Donald Eubanks (“Eubanks”); and by way hereof, Movant would show the following:

A. Introduction

1. Plaintiffs are Ricky Raymond, Donald Eubanks and Virginia Lara; Defendant is the University of Houston (UH).
2. Plaintiffs initially were represented by Lionel Mills (“Mills”).
3. Mills became incapacitated.
4. Plaintiffs and Mills approached Movant to represent Plaintiffs herein; however, Movant was unwilling to enter into the representation of Plaintiffs until the relationship and additional fee arrangements between Mills and Plaintiffs was clarified and resolved.
5. On March 26, 2007, the Court dismissed Plaintiffs’ action.

6. Mills was unable to represent Plaintiffs and disclaimed any further interest or claim for fees this action.
7. Plaintiffs asked Movant if he would represent them pro bono or on a contingency fee only, and seek reinstatement of the claim.
8. Movant agreed, and filed a Motion for New Trial on April 18, 2007, then an appeal to the 5th Circuit.
9. The case was reversed and reinstated to the District Court's docket on or about May 28, 2008.
10. In November/December 2008, Plaintiff Raymond became unavailable to Movant and his co-Plaintiffs, reportedly because of a disabling mental disease.
11. Plaintiff Raymond was unavailable and did not assist Movant or Plaintiffs in any way in discovery or prosecution of the case.
12. Defendant filed a Motion for Summary Judgment on April 13, 2009.
13. On May 19, 2009 Plaintiffs Lara's and Eubank's Response to Defendant's Motion for Summary Judgment was filed.
14. On May 19, 2009, Movant filed a Motion to Withdraw as Plaintiff Raymond's attorney herein because of lack of cooperation due to his reported medical condition.
15. The Court denied Movant's Motion to Withdraw.
16. Plaintiff Raymond then filed a Grievance with the Bar against Movant, and claimed that he filed the Grievance on behalf of himself and Plaintiffs Lara and Eubanks.
17. The Grievance was dismissed.
18. Plaintiff Raymond filed a second Grievance with the Bar against Movant, and it too was dismissed.
19. On August 25, 2009 Movant filed a second Motion to Withdraw as attorney for Plaintiff Raymond . The Motion is set for hearing herein on September 16, 2009.
20. Movant caused copies of the Motion and Order setting the matter for hearing

to Plaintiff Raymond by certified mail and FedEx.

21. Plaintiff Raymond then reportedly made personal contact with Plaintiffs Lara and or Eubanks.
22. After that contact, Movant was asked by Plaintiffs Lara and Eubanks to withdraw his Motion to Withdraw as attorney for Raymond.
23. After the communications from Lara and Eubanks on behalf of Raymond, Raymond wrote another certified letter to Movant indicating Movant should not withdraw.
24. There exists actual conflict between Raymond and Movant, and the potential for or an actual conflict of interest between Movant and Plaintiffs Lara and Eubanks.
25. Because of that potential or actual conflict of interest, Movant asks the court to set this matter to be heard and all Plaintiffs notified to appear thereat, and that Movant be permitted to withdraw as attorney for each and all Plaintiffs herein, Raymond, Lara and Eubanks.
26. Movant has notified Lara and Eubanks of his intention to file this Motion by service on each effected by certified mail and FedEx delivery.
27. The last known addresses of Virginia Lara and Donald Eubanks are as follow:
 - A. Virginia Lara
8630 Camberbrook Drive
Houston, Texas 77089
 - B. Donald Eubanks
2403 Birch Canyon Court
Fresno, TX 77545

Respectfully Submitted,
WATTS & ASSOCIATES

/S/ LW

Larry Watts

SBN 20981000, 7092

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VERIFICATION

I, Larry Watts verify on penalty of perjury that the facts in the Motion for Leave are true and correct to my personal knowledge.

/S/LW

Larry Watts

CERTIFICATE OF SERVICE

I, Larry Watts certify that a true and correct copy of this document has been served on opposing counsel via filing with the Clerk's CM/ECF filing system.

/S/ LW

Larry Watts